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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,113	10/25/2000	Louis Bouchard	LUCENT-01701	3907

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EXAMINER

DENNISON, JERRY B

ART UNIT PAPER NUMBER

2143

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/697,113

Applicant(s)

BOUCHARD ET AL.

Examiner

J. Bret Dennison

Art Unit

2143

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 2 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-20 and 22-27.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

  
DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

Applicant's arguments include the failure of previously applied art to expressly disclose teaching a registration process by which the notification application is registered to an instant messaging service. See Response, Filed 19 Aug. 2004, page 8, second paragraph. It is evident from the detailed mappings found in the above rejection(s) that Cloutier et al. teaches a system for notification of electronically stored messages for subscribers, where it is inherent that a registration process must be performed (Cloutier, col. 3, lines 20-30). Cloutier also teaches that the messaging system server provides for integration of other messaging servers with the messaging system (Cloutier, col. 3, lines 40-50).

Applicant's arguments also include the failure of previously applied art to expressly disclose sending an instant message notification when a message arrives on the server for the user. See Response, Filed 19 Aug. 2004, page 9, second paragraph. It is evident from the detailed mappings found in the above rejection(s) that Goldfinger teaches a server sending a message to a user when it arrives from another user (Goldfinger, col. 6, lines 35-50). Cloutier also teaches the messaging server providing notification of new messages received by the server to the subscriber (Cloutier, col 3, line 60 through col. 4, line 5).

Applicant's arguments also include the failure of previously applied art to expressly disclose accessing one of the at least one instant messaging services by the user. See Response, Filed 19 Aug. 2004, page 10, last paragraph. However, Goldfinger does disclose a communication network where users access the communication system to use the instant messaging service (Goldfinger, see Abstract).

Applicant's arguments also include the failure of previously applied art to expressly disclose adding the user to a buddy list of the message notification application. 2004, page 10, second paragraph. It is evident from the detailed mappings found in the above rejection(s) that Goldfinger teaches a server containing a list of connected users which updates the lists of sought users predefined by users connected to the system (Goldfinger, col. 6, lines 3-35). Cloutier also has a list of subscribers to the messaging notification system where the subscribers must provide a password to retrieve stored messages (Cloutier, col. 5, lines 25-40).

Further, it is clear from the numerous teachings (previously and currently cited) that the provision for integrating a messaging service with an instant messaging service to provide messages stored on the server to its subscribers, was widely implemented in the networking art. Thus, Applicant's arguments drawn toward distinction of the claimed invention and the prior art teachings on this point are not considered persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, to provide notification from the message notification application via an instant messaging service to the message recipient when a message arrives on the server for the user for the benefit of providing instant or direct notification to the user upon the receipt of a message (Cloutier, col. 1, lines 45-47).